HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.24371 OF 2004

Between:

J. Bakka Prabhu

… Petitioner

AND

Transmission Corporation of Andhra Pradesh,
Rep., by its Chief General Manager (HRD),
Vidyut Soudha, Hyderabad and two others

… Respondents.

:: O R D E R ::

Counsel for the petitioner : Shri P. Naveen Kumar

Counsel for the respondents : Shri Samineni Kishore

March 7, 2007

In this petition, the petitioner has prayed for issue of a mandamus to the respondents to consider his claim for appointment in terms of the policy framed by the erstwhile Andhra Pradesh State Electricity Board (for short, 'the Board'), which was circulated vide B.P.Ms.No.36, dated 18-5-1997.

The petitioner claims to have worked as casual labour in the Operation Section at Zaheerabad from 1-6-1981 to 5-10-1981. He filed Writ Petition No.28927 of 1998 for issue of a direction to the respondents to consider his case for regular appointment in terms of the policy contained in B.P.Ms.No.36, dated 18-5-1997. The same was disposed of by the learned Single Judge by directing the

respondents to consider his case. Thereafter, Superintending Engineer, Operation Circle, Medak, Sangareddy (respondent No.2) vide letter No.SE/O/MDK/PO/Adm/C2/D.No.1229/98, dated 21-10-1998 rejected the petitioner's candidature on the ground that his name did not figure in the Muster Roll pertaining to the period from 1-6-1981 to 5-10-1981.

The petitioner has relied on certificate dated 9-3-1983 issued by Additional Assistant Engineer, Operation, Zaheerabad to show that he had actually worked as casual labour from 11-6-1981 to 5-10-1981 and averred that his candidature could not have been rejected by respondent No.2 only on the ground of non-inclusion of his name in the Muster Roll. In paragraph 2 of the affidavit filed by him, the petitioner has averred that a large number of similarly situated persons have been appointed, but his candidature has been rejected on untenable ground and, in this manner, he has been discriminated.

In the counter-affidavit filed by him, Shri K. Anantha Reddy, Chief General Manager/HRD, APCPDCL, Hyderabad has averred that the petitioner's candidature was rejected because, as per Divisional Engineer's letter dated 28-8-1998, his name was not found in the Muster Roll pertaining to the period indicated in the certificate.

I have heard learned counsel for the parties and perused the record. Shri Samineni Kishore, learned counsel for the respondents reiterated the stand taken in the counter-affidavit of Shri K. Anantha Reddy and argued that the petitioner is not entitled to be considered for appointment in the services of APCPDCL because his name did not figure in the Muster Roll of the relevant period. However, he conceded that certificate dated 9-3-1983 issued by Additional Assistant Engineer, Operation, Zaheerabad and endorsement made by Assistant Secretary in the office of the Chief Engineer, Hyderabad Zone, APSEB, Hyderabad bears the signatures of the officers concerned and the contents thereof do show that the petitioner had actually worked as casual labour from 1-6-1981 to 5-10-1981.

In reply to the Court's query, Shri Samineni Kishore fairly admitted that the respondents have not questioned the genuineness of the certificate and other documents produced by the petitioner.

In view of the fair submission made by the learned counsel for the respondents, it must be held that the solitary reason assigned by respondent No.2 for not entertaining the petitioner's candidature for appointment against the regular vacancy is legally untenable and communication dated 21-10-1998 sent by respondent No.2 is liable to be quashed on the premise that the petitioner has been discriminated in the matter of being considered for appointment in accordance with the policy framed by the Board.

In the result, the writ petition is allowed. The rejection of the petitioner's candidature vide letter dated 21-10-1998 is declared illegal and quashed. The competent authority of APCPDCL is directed to consider the petitioner's candidature for appointment in the regular establishment and take appropriate decision within two months from the date of receipt of copy of this order.

G.S.SINGHVI, C.J.

March 7, 2007

svs